

**SEPARATE STATEMENT OF
COMMISSIONER KEVIN J. MARTIN**

Re: Applications of AT&T Wireless Services, Inc. and Cingular Wireless Corporation for Consent To Transfer of Control of Licenses and Authorizations, Memorandum Opinion and Order, WT Docket No. 04-70

The wireless industry is the poster child for the success of competition. There are now more than 161 million wireless subscribers in this country. There are over 205,000 jobs in the wireless industry. The industry has invested more than \$146 billion. 96.8% of the population live in counties with three or more wireless competitors. 93% live in counties with four or more. With this merger vigorous competition will remain.

As the Order explains, we find that the license transfers at issue are in the public interest and that competitive harm is unlikely in most markets. We also find that any potential public interest harm to competition in the wireline market is mitigated by the limited level of wireless-wireline competition.

These were difficult issues, as was deciding the appropriate divestitures and merger conditions. In the end, however, I think we put appropriate protections in place to address any concerns. Accordingly, I support this Order.